

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of :)
)
Implementation of the Child Safe Viewing Act:) MB Docket No. 09-26
Examination of Parental Control Technologies)
For Video or Audio Programming)

To: The Commission

COMMENTS OF Wi-LAN Inc.

Wi-LAN V-Chip Corp. is pleased to make comment in response to the Notice of Inquiry adopted and released by the Federal Communications Commission March 2, 2009.

Summary and Introduction:

Tri-Vision International Ltd. merged with Wi-LAN Inc of Ottawa, Canada ("Wi-LAN) a Company involved in technology innovation since 1992. Wi-LAN holds patents related to flexible V-chip technology and licenses these patents to consumer electronics companies through wholly owned subsidiary Wi-LAN V-chip Corp.

The V-chip technology required in the United States is a flexible, upgradeable product allowing parents to block programming they feel is inappropriate for the level of understanding of their children. The technology as described by ATSC¹ and CEA/CEB12A Recommended Practice allows for a variety of rating tables and the ability

¹ ATSC A65C has been referenced in the Code Federal Regulations Section 15.120 (d)

to modify those tables to allow maximum flexibility and innovation for future generations.

Technically, V-chip technology works well, subject to the implementation of ratings in television programming, and activation by consumers.

In that light Wi-LAN respectfully offers comments in the following areas outlined by the Commission.

V-chip Improvements:

We believe the technology is a blank canvass that is available for those concerned with the welfare of children and provides flexible parental control solutions. The Commission's invitation to suggest ways to improve effectiveness of V-chip² can be technically accomplished in a number of ways.

- Parental control technology default can be set to provide for maximum protection against inappropriate material. Such a setting would undoubtedly provide better protection for small children when new receivers are brought into the home, and V-chip operating instructions would take on new significance.
- Television receivers can feature a V-chip button on the remote control. Such a feature would be useful to parents, and provide much greater visibility at virtually no cost to manufacturers.
- Most digital television receivers now require an initial setup. Introducing initial V-chip setup during that process would increase awareness of the technology.
- Until such time as new and improved ratings are available, broadcasters could include in the Program System Information Protocol (PSIP) stream a test 0x05

² FCC 09-14 Page 7, Paragraph 16

table transmission. Such a test would allow consumers to make certain their digital television receiver V-chip download operates properly, and allow for repair under warranty if sets do not operate properly.

Multiple Rating Technology:

The ATSC A/65 PSIP content advisory system was designed with flexibility in mind – PSIP allows broadcasters to describe program ratings, and enables parents to block programs based on their content preferences. An important PSIP design goal is that a DTV receiver can be built to accommodate any content advisory system without requiring prior knowledge of the system.

Multiple ratings are *already* incorporated into today's programming using a two-step process. First, any of the content advisory systems are defined in one or more Rating Region Tables (RRTs). Second, the Content Advisory Descriptor (CAD), along with all RRTs referenced by the CAD, is transmitted in the Transport Stream (the CAD can refer to up to 8 RRTs per program). In the DTV receiver, multiple ratings are extracted from the received CAD and compared to rating preferences set by the parent in order to determine if a program should be blocked.

The V-chip *already* accommodates multiple program ratings. CEA-CEB-12-A "PSIP Recommended Practice" section 8.3.6 ("Content Advisory Action") states: *"It is possible that a program may have several ratings linked to it, especially in situations where signals may be received across national boundaries. Products should, therefore, be designed to support and respond to programs rated for more than one rating region. The*

CAD may contain ratings for any or all of the defined rating_region values, up to a maximum of 8 regions for each program.” At present, many DTV receivers are shipped with a V-chip set-up menu which includes controls for all rating systems currently defined in RRT-01 and RRT-02. A parent *already* decides which of several rating system(s) to use by setting preferences for one or more rating systems as desired. If the parent only chooses to configure preferences for some of the available rating systems, then the V-chip will only react to those ratings when received in the CAD. Any rating system not configured by the parent is effectively ignored by the V-chip.

Since each RRT can be received and downloaded from the Transport Stream, a DTV receiver can capture and create a user interface which can automatically reflect any updates, revisions, additions or corrections to any content advisory system in use. DTV receivers are designed to block programs based on multiple content advisory systems through user set-up menus. If new rating systems are received in RRT-05 (or additional RRTs), the receiver will simply present the available rating systems to the parent for custom configuration if desired.

Per FCC 09-14 paragraph 21, *...in the Second DTV Periodic Report and Order, the Commission revised 47 C.F.R. § 15.120(d)(2) to state that “digital television receivers shall be able to respond to changes in the content advisory system.” Subsequent to the adoption of the Second DTV Periodic Report and Order, the ATSC reserved RRT-05 for an unspecified alternative U.S. rating system or systems. The Consumer Electronics Association (“CEA”) filed a petition for reconsideration of the Second DTV Periodic*

Report and Order arguing that receivers should be required to respond to only one additional RRT – RRT-05 - in addition to RRT-01.

RRT-01, which carries the TV Parental Guidelines and the MPAA movie rating system, occupies 976 of the 1,024 bytes available in each RRT. As a practical matter, RRT-05 is subject to this same limitation - therefore it is likely that only two or three additional rating systems could effectively be accommodated in RRT-05. CFIRS³ and other parties have filed oppositions to the CEA Petition, arguing that DTV receivers should not be limited to only one additional RRT and more capacity is needed to accommodate additional and improved ratings systems.

Intellectual Property Concerns:

The Tri-Vision (now Wi-LAN) patent is licensed to 98 companies representing more than 2/3 of the brand name DTV receivers presently available for sale in the United States. Wi-LAN continues to make licenses available to all DTV receiver manufacturers under reasonable and non-discriminatory terms in conformance with IP Proffers made to ATSC, CEA and FCC. Regarding the processing of additional RRTs, no additional royalties would be required beyond those already being paid under existing licenses. Licensed companies are completely free to provide enhanced V-chip requirements at no additional cost. The many licensed manufacturers have reached commercial agreement on rates they consider reasonable. Commercial negotiations are underway with virtually all other brands.

³ Coalition for Independent Rating Services

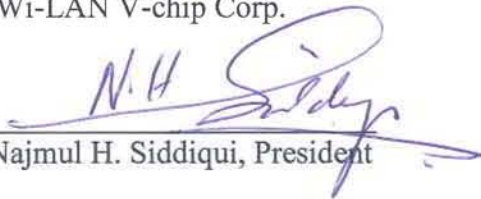
Conclusion:

V-chip has survived its first decade, and the name has become synonymous with the protection of children from programming their parents consider inappropriate. V-chip is available to the vast majority of Americans and, technically, the technology works extremely well. Some improvements could include a V-chip button on remote controls, more accurate ratings, more choice in ratings, and less complicated User Manual explanations. An open platform for content advisory system improvements is now in place, but restrictions on the space available in legacy receivers may pose some challenges.

Respectfully submitted

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